



*Engineering
Department*
TOWN OF BLOOMFIELD
800 BLOOMFIELD AVENUE
BLOOMFIELD, CT 06002-3537
860-769-3524

UPDATED MEMORANDUM

TO: Bloomfield Inland Wetlands and Watercourses Commission

FROM: David Peter Castaldi, Civil Engineer and Wetlands Agent

DATE: January 3, 2023

RE: **Cease and Desist Order – 15 Haviland Road and 33 Crystal Lane
(MBL's 37-151 and 37-152)**

**Property Owner: Windbrook Homes, LLC
c/o Mr. Reinhard von Hollander
14 Brainard Road
West Hartford, CT 06117**

Wetlands File #75-2022-17

A Cease and Desist Order was issued for these properties on October 7, 2022 for the pollution of the waterways of the Town of Bloomfield and performing regulated activities without a Permit. The October 17th meeting was cancelled, the Order was reissued on October 25th and was heard at the November 1st Special Meeting.

At the November 1st meeting Mr. von Hollander was granted a 30-day time limit to complete the required corrective measures. The corrective measures have not been completed. See attached a status report dated December 11, 2022.

The regular meeting of December 12, 2022 was cancelled and a Special Meeting scheduled for January 9, 2023. A fourth Cease and Desist Order was issued on December 30, 2022 to ensure that a hearing was held within 10 days. See copy attached.

The Commission may lift the Cease and Desist Order or uphold it with the same or modified corrective measures. The Commission may also levy a fine in accordance with Section 14.6 of the Regulations or refer the Order to the Town Attorney in accordance with Section 14.7.

In late November the Bloomfield Department of Public Works cleared vegetation to provide Mr. von Hollander easy access to the outfall of the Crystal Lane storm drainage system. DPW cleared fallen trees and some brush, within the storm drainage easement, and reshaped the plunge pool and downstream channel by removing most of the accumulated sediments. The disturbed ground areas were mulched with hay and hay bales were staked across the east end of the channel.

An inspection of the sites on the 3rd of January, at 2:30 PM after 0.36 inches of rain, revealed that there has been no additional work done to stabilize the open ground. Erosion control measures are not in place at either side of the 33 Crystal Lane foundation, silt fence has failed to control runoff at 33 Crystal Lane, sediments have washed into the southerly gutter line and into the Crystal Lane storm drainage system. The curb slots for the two catch basins with silt sacks are not protected and the downstream catch basins do not have any inlet protection in place. Sediments were observed in the channel downstream of the outfall and a small plume of sediments was observed in the pond.

The main problem on these sites has been, and remains, the open exposed ground that is not protected from soil erosion. The foundation at 33 Crystal Lane was constructed in the spring of 2022 and the open ground around it has not yet been stabilized.

The common slope between the lots, and the slope at the rear of 33 Crystal Lane, have been temporarily stabilized with erosion control matting. The common slope will be need to be regraded to comply with the approved plot plan. Open ground exists at the sides and immediately to the rear of the foundation at 33 Crystal Lane. Swales to direct runoff towards the street and their erosion controls have not been installed at 33 Crystal Lane. The rear of 15 Haviland Road, at Crystal Lane, partially stabilized this past fall, has subsequently been disturbed for the construction of a retaining wall. Other areas of 15 Haviland Road previously stabilized have also been re-disturbed.

Silt fence has been in place behind the curb on Crystal Lane, for both of these properties, for several months but it is not properly installed and has been undermined in at least two locations. Sediment laden runoff from the open exposed ground at both lots is running under the silt fence and into the road. Proper maintenance of the silt fence has not been done and should be done after every rain event.

A copy of an e-mail from George Logan, of REMA Ecological Services, LLC, dated December 5, 2022 was submitted by Mr. von Hollander and a copy is attached to this memo. Apparently this e-mail was submitted to comply with the requirement of the Cease and Desist Order corrective measure 11. to submit a Wetlands Ecologist's report on the effect of the sediments on the pond and recommended mitigation measures.

I am not in complete agreement with Mr. Logan's assessment. Some of the corrective measures should have been done already including stabilization of all open ground areas and vacuuming of the catch basin sumps. Videoing the pipes, and cleaning them if necessary, can wait until the spring.

A follow-up inspection of the properties and the storm drainage system outfall will be done on Monday the 9th of January and a verbal update will be given at the January 9th Special Meeting.

From: "George Logan" <rema8@aol.com>
To: "rh35@aol.com" <rh35@aol.com>
Sent: Mon, Dec 5, 2022 at 8:20 AM
Subject: 33 Crystal Lane

Reinhard,

I have received the December 1, 2022 inspection report by Mr. Castaldi, and I am in the process of reviewing it. It is my opinion that while the items listed could or should be done, very little if any fine sediment had migrated to the wet detention pond to the east of Crystal Lane, by November 14, 2022, as observed during my joint visit with Mr. Castaldi.

During that visit we focused on the removal of sediments from the channel downgradient of the flared end. I understand that some work had been completed there to allow for access, so the sediments can be removed in the near future.

In my opinion, all of the items listed by Mr. Castaldi can be addressed in the near future, even though, arguably, some are not necessary at this stage, or maybe not at all, such as providing video of all the storm drainage pipes.

I would be happy to meet you in the near future and discuss each item, and formulate an action plan. Based on my last site visit, I do not have any gave concerns regarding the potential of sedimentation of regulated resources. I must point out that the wet detention pond, which was constructed specifically for the purpose of being protective of regulated resources both during past construction and in the long-term, has provided the necessary services, again, to protect resources. However, action is necessary now to ensure that this protection continues into the future, such as by removal of sediment downgradient of the flared end.

Best,
George Logan



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Department*

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Registered Mail/ Return Receipt

**Inland Wetlands and Watercourses Commission
Cease & Desist Order**

December 30, 2022

Windbrook Homes, LLC
14 Brainard Road
West Hartford, CT 06117

To whom it may concern,

In accordance with Section 14. of the Inland Wetlands and Watercourses Commission Regulations, you are hereby notified that Violations exist of the Wetlands Regulations for polluting the waterways of the Town of Bloomfield due to the failure of soil erosion and sediment controls at your properties at:

**33 Crystal Lane – house under construction (MBL 37-152)
15 Haviland Road – house under construction (MBL 37-151)**

The violations were observed in the field on several occasions in September, October, November and December of this year. The violations and Section numbers from the Regulations are as follows:

Conducting regulated activities without a Wetlands Permit (Section 6.)

Pollution of wetlands and watercourses due to failure to maintain adequate soil erosion and sedimentation measures (Section 4.5 D.)

This Cease and Desist Order will be heard at the January 9, 2023 Special Meeting of the Wetlands Commission when you will have the opportunity to address the Commission and show cause why the order should not remain in effect. Enclosed is a copy of the Agenda with links to the January 9th ZOOM meeting.

This is the same Cease and Desist Order issued to Mr. Reinhard von Hollander, your Manager/Member, on October 28, 2022. A report on the status of the required corrective measures, from the October 28th Cease and Desist Order, as of December 11, 2022 is attached. A field inspection will be done and an up-to-date status report of these corrective actions will be provided to the Commission at the January 9th meeting.

David Peter Castaldi

Wetlands Agent

cc Wetlands Commissioners
Attachment – 12/11/22 Status Report
Reinhard von Hollander

Status of the Cease and Desist Order corrective measures for 33 Crystal Lane and 15 Haviland Road as of December 11, 2022:

1. Remove sediments from the Crystal Lane pavement by sweeping both gutters from the west cul-de-sac to the intersection with Stillman Road. ***This has been done in the past but new sediments were observed in south gutter line of Crystal Lane and at each CB down to Stillman Road.***
2. Install silt sacks, with curb slot deflectors, in the catch basins closest to the sites and at the three catch basins to the east. ***Silt sacks installed at the two CB's closest to the construction. No curb slots deflectors are in place. CB's to the east of 29 Crystal Lane have no inlet protection.***
3. Replace all failed silt fence and install on-site erosion controls at the house foundations. ***Silt fence does not appear to be replaced, sediments are getting under the silt fence in at least one place and no haybales are installed at the foundation for 33 Crystal Lane.***
4. Grade and stabilize the cut slope between the houses with erosion control blanket and temporary seeding. (The approved grading plans show that the slope within 10 feet of the common property line must be no steeper than 5:1 and no steeper than 3:1 elsewhere.) ***The common property line slope and the slope at the rear of 33 Crystal Lane are about ¾ covered with erosion control fabric. Slope at the common property line appears to be steeper than 3:1 maximum.***
5. Grade and stabilize all open ground areas with temporary or permanent ground cover seeding and hay mulch. ***Areas at the front and both sides of 33 Crystal Lane and the rear of 15 Haviland Road are not stabilized.***
6. Replace the stone construction entrance at 33 Crystal Lane. ***The driveway has been paved.***
7. Remove the dirt "ramp" and soil stockpile at 34 Crystal Lane. ***Done.***
8. Clean (vacuum) all catch basin/manhole sumps on Crystal Lane. ***Not done.***
9. Video all of the storm drainage pipes in Crystal Lane and remove any sediments. ***Not done.***
10. Remove sediments from the channel downstream of the flared end and restore the channel and plunge pool. ***Partially done by DPW. More work is needed.***
11. Submit a Wetlands Ecologist's report on the effect of the sediments on the pond and recommended mitigation measures. ***E-mail sent from George Logan of REMA on 12/12.***
12. Inspect and repair the erosion controls after every rain event. ***Not done.***
13. Sweep the road every day that sediments are tracked or deposited onto the pavement. ***Not done.***

Notes:

Items 1., 2., 3., 5., 12. and 13. These are on-going items that must be done repeatedly until all exposed ground areas are fully stabilized in the Spring of 2023.

Item 4. Slope will need to be regraded to achieve maximum 3:1 slope with 5:1 section at the common property line in the Spring of 2023.

Item 6. The paving of the driveway will not prevent mud from being tracked out into the street.

Item 8. The CB sumps should be vacuumed now and again in the spring if erosion is not controlled.

Item 9. Can be done now after the CB sumps are vacuumed (by the developer) OR wait until the Spring of 2023 after the CB sumps are vacuumed (by the developer).

Item 10. Most of the sediments were removed by the DPW but more work is needed to remove sediments from the flared end section and to restore the plunge pool and channel by installing new rip rap.